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EXAMINER

BASEHOAR, ADAM L

ART UNIT PAPER NUMBER

2178

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,530

Applicant(s)

GRYSKIEWICZ, PAUL S.

Examiner

Adam L Basehoar

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: The Amendment filed 11/26/04 to the original application filed on 03/09/01.
2. Claim 12 has been cancelled as necessitated by the Amendment.
3. Claims 31-32 have been added as necessitated by the Amendment.
4. The objection to the Specification and Drawings have been withdrawn as necessitated by the Amendment.
5. The objection to claim 24 has been withdrawn as necessitated by the Amendment.
6. The rejection of claims 1-8, 10-14, and 16 remain under 35 U.S.C. 102(b) as being anticipated by Elliott et al (US: 5,572,649 11/05/96).
7. The rejection of claims 17, 19, and 22 under 35 U.S.C. 102(b) as being anticipated by Elliott et al (US: 5,572,649 11/05/96) have been withdrawn as necessitated by the Amendment.
8. The rejection of claim 18 under 35 U.S.C. 103(a) as being unpatentable over Elliott et al (US: 5,572,649 11/05/96) has been withdrawn as necessitated by the Amendment.
9. Claims 20-21 and 23-30 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott et al (US: 5,572,649 11/05/96) in view of Microsoft's, Microsoft Word 2000, 12/31/99, pp. 1-15.
10. Claims 1-11 and 13-32 are pending in this case. Claims 1, 10, 17, 23, 26, and 29 are independent claims.

Drawings

11. The drawings were received on 11/26/04. These drawings are acceptable.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-8, 10-11, 13-14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Elliott et al (US: 5,572,649 11/05/96)(Hereafter Elliott).

-In regard to independent claims 1 & 10, Elliott teaches an apparatus and method comprising:

a computer interface to receive video (Figs. 3 & 8: 85)(column 2, lines 32-36);

a controller (equivalent to the user utilizing the electronic conferencing application window)(Fig. 6: 92) to display a local video object (Fig. 8: 205) and the remote video (Fig. 8: 200); and

wherein the user can adjust the position of the local video object (Fig. 8: 205) in response to displaying the remote video (Fig. 8: 205)(column 8, lines 48-51), wherein to adjust the position of the of the at least one object arranges the at least one object in a manner so that both video and the at least one object are prevented from having an impeded view (Fig. 8: 205 & 200: i.e. both videos/objects are arranged so that their views are not impeded).

-In regard to dependent claim 2, Elliott teaches wherein the controller (user) can adjust the position of said local video (i.e. images) object (Fig. 8: 205) in response to displaying the remote video (Fig. 8: 205)(column 8, lines 48-51).

-In regard to dependent claims 3 and 13-14, Elliott teaches wherein the controller (user) can adjust the position of the local video object (Fig. 8: 205) in response to adjusting the location or size (column 9, lines 2-12) of the remote video (Fig. 8: 205)(column 8, lines 48-51).

-In regard to dependent claim 4, Elliott teaches wherein the controller allows the remote video to be displayed (Fig. 8: 200) while the contents of the local video object are updated (Fig. 8: 205)(i.e. Both real-time videos are shown changing at the same time).

-In regard to dependent claim 5, Elliott teaches wherein the controller displays the video (Fig. 8: 200 & 205) in a window of a word processor application (column 7, lines 50-51)(Fig. 8: 88).

-In regard to dependent claims 6 and 16 Elliott teaches wherein the interface receives the video over a wireless network (columns 5 & 6, lines 66-67 & 1-5)(Fig. 3).

-In regard to dependent claim 7, Elliott teaches wherein the interface comprises a disk drive (Fig. 1: 20).

Art Unit: 2178

-In regard to dependent claim 8, Elliott teaches wherein the interface receives the video over a network (columns 5 & 6, lines 66-67 & 1-5)(Fig. 3).

-In regard to dependent claim 11, Elliott teaches wherein displaying the object comprises displaying the local video (i.e. images) (Fig. 8: 205) on the display (Fig. 8: 85).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott et al (US: 5,572,649 11/05/96)(Hereafter Elliott).

-In regard to dependent claim 9, Elliott teaches wherein the interface receives the video over a plurality of communication means including local area network, fiber optic link, and satellite link (columns 5 & 6, lines 66-67 & 1-2). Elliott does not specifically teach wherein the communications means was a universal serial bus. It would have been obvious to one of ordinary skill in the art at the time of the invention, for the communication means of Elliott to have been an universal serial bus, because it was notoriously well known in the art at the time of the invention that universal serial buses provided a simple high bandwidth connection with the ability to automatically add and configure new devices and the ability to add such devices without having to shut down and restart the system.

-In regard to dependent claim 15, Elliot teaches a disk drive as part of the computing system (Fig. 1: 20)(column 4, lines 57-65). Elliot does not teach wherein the video was stored and received from a disk drive. It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have stored the video on the local or remote (column 5, lines 49-52) disk drive and retrieved that video when necessary to be shown on said display, because disk drives were notoriously well known in the art to maintain a high storage capacity which said video would need as well as provided fast access time and increased portability across multiple computers connected to the network.

16. Claims 17-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott et al (US: 5,572,649 11/05/96)(Hereafter Elliott) in view of Microsoft's, Microsoft Word 2000, 12/31/99, pp. 1-15.

-In regard to independent claim 17, Elliot teaches a computer readable medium containing instructions executed by a processor to:

display a video (Fig. 8: 200 & 205) in a window (Fig. 8: 85);

display text in the window (Fig. 8: 88); and

wherein the text is displayed in a manner that allows both the text and the video to be viewable in the window (Fig. 8).

Elliott further teaches wherein the video objects in the word processor application can be moved (column 8, lines 49-51) and resized (column 9, 2-12). Elliott does not specifically teach wherein the text and the video in the display window were both able to be positioned to be both

Art Unit: 2178

viewable without obstruction. Word 2000 teaches displaying a video (Word 2000: pp. 11-13: "Motion Clips") in a text document (Word 2000: pp. 10) such that the video and text are displayed so both are viewable without obstruction (Word 2000: pp. 14). It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have adjusted the text so that both the video and text were not obstructed, because Word 2000 teaches that by adjusting the text, all relevant text was always available to be viewed and thus no essential information would be covered.

-In regard to dependent claim 18, Elliot teach wherein the computer readable medium has application to any window-based graphic user interface display system (column 6, lines 5-7) over an electronic network (columns 5 & 6, lines 66-67 & 1-2). Elliot does not specifically teach wherein the video was displayed in a window of an Internet browsing application. It would have been obvious to one of ordinary skill in the art at the time of the invention for the application of Elliot to have been an Internet browsing application, because Internet browsers (e.g. Netscape, Internet Explorer, etc.) were notoriously well known in the art to be windows-based graphical user interfaces for conducting business over long distances over a network, which was the preferred embodiment of Elliot (column 6, lines 3-5), and would have provided the application of Elliot a larger scaled network as provided by the Internet.

-In regard to dependent claims 19, Elliott teaches wherein the controller displays the video (Fig. 8: 200 & 205) in a window of a word processor application (column 7, lines 50-51)(Fig. 8: 88).

-In regard to dependent claims 20 and 21, Elliot teaches wherein the video objects in the word processor application can be moved (column 8, lines 49-51) and resized (column 9, 2-12). Elliot does not teach adjusting the text in the word processor (Fig. 8) in response to moving and resizing the video objects. Word 2000 teaches wherein moving (Word 2000: Pages 6-7: notice object movement) or resizing (Word 2000: Pages 8-9: notice object resizing) viewable objects in a word processor application result in adjusting the text (Word 2000: Pages 6-7 & 8-9: notice adjusted text) in response to said movements. It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have adjusted the text in response to the movement of the video objects, because Word 2000 teaches that by adjusting the text, all relevant text was always available to be viewed and thus no essential information would be covered.

-In regard to dependent claim 22, Elliott teaches wherein the interface receives the video over a wireless network (columns 5 & 6, lines 66-67 & 1-5)(Fig. 3).

-In regard to independent claim 23, Elliot teach a method for:

displaying text in a window of a software application on a computer (column 6, lines 50-51)(Fig. 8);

displaying video (Fig. 8: 205 'local video' & 200 'remote video') in the window of the software application (Fig. 8);

Elliot does not teach adjusting the text, in response to displaying the video objects in the window, in the manner that both the text and video do not have an impeded view. Word 2000 teaches displaying a video (Word 2000: pp. 11-13: "Motion Clips") in a text document (Word 2000: pp. 10) such that the video and text are displayed so both are viewable without obstruction after adjusting the text object (Word 2000: pp. 14). It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have adjusted the text so that both the video and text were not obstructed, because Word 2000 teaches that by adjusting the text, all relevant text was always available to be viewed and thus no essential information would be covered.

-In regard to dependent claim 24, Elliot teaches displaying the local video (i.e. images) object (Fig. 8: 205) with the text and the remote video (Fig. 8: 205) in the word processor application, wherein all three are substantially simultaneously viewable (Fig. 8).

-In regard to dependent claim 25, Elliot teaches wherein the video objects in the word processor application can be moved (column 8, lines 49-51) and resized (column 9, 2-12). Elliot does not specifically teach adjusting the text in the word processor (Fig. 8) in response to moving or resizing the video objects to prevent the text and video to have an impeded view. Word 2000 teaches wherein moving (Word 2000: Pages 6-7: notice object movement) or resizing (Word 2000: Pages 8-9: notice object resizing) viewable objects in a word processor application result in adjusting the text (Word 2000: Pages 6-7 & 8-9: notice adjusted text) in response to said movements. It would have been obvious to one of ordinary skill in the art at the time of the

Art Unit: 2178

invention for Elliot to have adjusted the text in response to the movement of the video objects, because Word 2000 teaches that by adjusting the text, all relevant text was always available to be viewed and thus no essential information would be covered.

-In regard to independent claim 26, Elliot teach an apparatus comprising:

an interface to receive a video signal (Figs. 3 & 8: 85)(column 2, lines 32-36);

a controller to:

display an application having text (Fig. 8);

display the video signal in a video portion of the application (Fig.

8: 200 & 205); and

allowing both the text and the video to be viewed substantially simultaneously (Fig. 8).

Elliot also teaches wherein the apparatus has application to any window-based graphic user interface display system (column 6, lines 5-7) over an electronic network (columns 5 & 6, lines 66-67 & 1-2). Elliot does not specifically teach wherein the video was displayed in a window of an Internet browsing application. It would have been obvious to one of ordinary skill in the art at the time of the invention for the application of Elliot to have been an Internet browsing application, because Internet browsers (e.g. Netscape, Internet Explorer, etc.) were notoriously well known in the art to be windows-based graphical user interfaces for conducting business over long distances over a network, which was the preferred embodiment of Elliot (column 6, lines 3-5), and would have provided the application of Elliot a larger scaled network as provided by the Internet.

Elliott further teaches wherein the video objects in the word processor application can be moved (column 8, lines 49-51) and resized (column 9, 2-12). Elliott does not specifically teach wherein the text and the video in the display window were both able to be positioned to be both viewable without obstruction. Word 2000 teaches displaying a video (Word 2000: pp. 11-13: "Motion Clips") in a text document (Word 2000: pp. 10) such that the video and text are displayed so both are viewable without obstruction after adjusting the text object (Word 2000: pp. 14). It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have adjusted the text so that both the video and text were not obstructed, because Word 2000 teaches that by adjusting the text, all relevant text was always available to be viewed and thus no essential information would be covered.

-In regard to dependent claims 27 and 28, Elliot teach wherein the apparatus allows moving (column 8, lines 49-51) and re-sizing (column 9, 2-12) the video portion in the application. Elliot does not teach adjusting the text in the application in response moving or re-sizing the video objects. Word 2000 teaches wherein moving (Word 2000: Pages 6-7: notice object movement) or resizing (Word 2000: Pages 8-9: notice object resizing) viewable objects in a word processor application result in adjusting the text (Word 2000: Pages 6-7 & 8-9: notice adjusted text) in response to said movements. It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have adjusted the text in response to the movement of the video objects, because Word 2000 teaches that by adjusting the text, all relevant text was always available to be viewed and thus no essential information would be covered.

-In regard to independent claim 29, Elliot teaches an article comprising a machine readable storage medium enabling a processor to:

display a first object (text) in a window (Fig. 8);

display a second object (video window) in a window (Fig. 8: 200 & 205).

Elliot does not teach wherein scrolling the first object in the window around the second object in the window in response to enabling scrolling to prevent an obstructed view for both objects. Word 2000 teaches enabling scrolling (Word 2000: Pages 4-5) of a first object (text), wherein after enabling scrolling the first object (text) scrolls around the second object (viewable object)(Word 2000: Page 3: Pre-Scroll & Page 6: Post Scroll). It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have adjusted the text in response to enabling scrolling around the video objects, because Word 2000 teaches that by scrolling the text, the displayed objects obtain a better look & feel based on the flowing text around the viewable object as well as making sure all of the relevant text of Elliot would always available to be viewed and thus no essential information would be covered.

-In regard to dependent claim 30, Elliot teaches wherein the first object comprises text (Fig. 8) and the second object comprises video (Fig. 8: 200 & 205).

-In regard to dependent claims 31 and 32, Elliot teaches wherein the object comprise text (Figs. 6 & 8).

Response to Arguments

17. Applicant's arguments with respect to claims 17-22 have been considered but are moot in view of the new ground(s) of rejection.

-In general the Applicant appears to be arguing that Elliott does not teach the amended features of the independent claim requiring the adjustment of the at least one object so that both the video and at least one object are prevented from having an impeded view. In view of independent claim 1 and 10, the Examiner believes Elliott does indeed teach this limitation as viewed in regard to Fig. 8 showing two distinct objects viewable without an impeded view. Wherein the Applicant argues, with respect to Figures 6 and 8, that the bottom level window was impeded, the Examiner notes that as claimed these independent claims do not preclude that feature from occurring as long as a video object and another object are prevented from having an impeded view on a display (i.e. the display object in these claims was not the text object of Fig. 8).

-In view of the other independent claims (23, 26, and 29), the Examiner believes that the Elliott reference in combination with the Word 2000 reference clearly teaches these limitations. While the Word 2000 reference does indeed teach adjusting a text object in response to moving and resizing objects, it also clearly teaches arranging the text object in response to displaying video and graphic objects in the window (See: Fig. 2→3 & 10→14).

The Examiner wishes to also point out that no agreement was made that Elliott does not teach or suggest "arranging, the object, in response to displaying the video in the window, in a manner that prevents both the object and the video from having an impeded view" as stated in

Art Unit: 2178

the Applicant's Remarks section (Page 10: Lines 11-13). Said claimed element of an "impeded view" has only now been introduced to the claims and could thus not have been agreed upon.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2178

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L Basehoar whose telephone number is (571)-272-4121.

The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB


STEPHEN HONG
SUPERVISORY PATENT EXAMINER